

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JAVAR BURKS,

Plaintiff,

1:22-cv-899 (BKS/DJS)

v.

CAPITAL DISTRICT TRANSPORTATION, et al.,

Defendants.

Appearances:

Plaintiff pro se:

Javar Burks

Troy, NY 12180

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff pro se Javar Burks brought this action on August 29, 2022, against Defendants Capital District Transportation (CDTA), CDTA of Albany, NY, and CDTA of Troy, NY. (Dkt. No. 1). Plaintiff alleges, inter alia, employment discrimination based on race and ethnicity, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. (Dkt. No. 1). This matter was referred to United States Magistrate Judge Daniel J. Stewart who, on October 7, 2022, issued a Report-Recommendation recommending that Plaintiff's claims be dismissed without prejudice and with leave to amend. (Dkt. No. 6, at 6-7). Magistrate Judge Stewart advised Plaintiff that under 28 U.S.C. § 636(b)(1), he had fourteen days within which to file written objections to the report, and that failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 7). Plaintiff did not file an objection to the Report-Recommendation.

As no objection to the Report-Recommendation has been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is hereby

ORDERED that Magistrate Judge Stewart’s Report-Recommendation (Dkt. No. 6) is **ADOPTED**; and it is further

ORDERED that plaintiff’s complaint be **DISMISSED** without prejudice, with leave to file an amended complaint; and it is further


ORDERED that any amended complaint must be filed **within thirty (30) days** of the date of this Order. Any amended complaint must be a complete pleading which will replace the current complaint in total; and it is further

ORDERED that if Plaintiff files a timely amended complaint, it shall be referred to Magistrate Judge Stewart for review; and if Plaintiff fails to file a timely amended complaint, the Clerk is directed to close this case; and it is further

ORDERED that the Clerk serve a copy of this Order on Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: October 31, 2022
Syracuse, New York


Brenda K. Sannes
Chief U.S. District Judge